



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 2, 2015

MS. MICHELLE L. WILSHERE, CPA, TREASURER  
WEST VIRGINIA REPUBLICAN PARTY,  
INC.

700 WASHINGTON STREET, EAST SUITE 201  
CHARLESTON, WV 25301-1620

**Response Due Date**  
**05/07/2015**

IDENTIFICATION NUMBER: C00417063

REFERENCE: 30 DAY POST-GENERAL REPORT (10/16/2014 - 11/24/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 4 item(s):

**1.** Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(f) (formerly 2 U.S.C. §441a(f)) and 11 CFR §110.1(c) prohibit a state, district or local party committee (combined) from receiving any contribution from a person or non-multicandidate political committee in excess of \$10,000 per calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1)

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transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

**2.** Schedule A supporting Line 12 discloses that your committee received a \$23,884.00 transfer from the "National Republican Congressional Committee;" however, a review of the reports filed by this committee discloses a transfer of only \$20,000.00. In addition, Schedule A supporting Line 12 of your report discloses that your committee received a \$20,000.00 transfer from the "MOONEY VICTORY FUND;" however, a review of the reports filed by this committee discloses a transfer of \$23,884.00. Please confirm that the full amounts were actually transferred from the federal accounts of these committees or provide additional clarifying information.

**3.** Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 21(b) of your report to clarify the following description(s): "contract services." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(3)(i).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register can be found at [http://www.fec.gov/law/policy/purposeofdisbursement/inadequate\\_purpose\\_list](http://www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list)

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4. Schedule B supporting Line 23 discloses one or more contributions to a candidate(s) for the 2014 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign. (11 CFR §§110.1(b)(3) and 110.2(b)(3))

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund. (11 CFR §103.3(b)(1) and (3))

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to

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taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1162.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Butler', with a stylized flourish at the end.

David Butler  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Excessive, Prohibited, and Impermissible Contributions**  
**West Virginia Republican Party, Inc. (C00417063)**

**Excessive Contributions from Individuals**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Mr. Lawrence A. Pack	3/22/14	\$1,000.00	2014 April Monthly
Mr. Lawrence A. Pack	9/4/14	\$5,000.00	2014 October Monthly
Mr. Lawrence A. Pack	11/4/14	\$5,000.00	2014 30 Day Post-General

**Contributions Made After Election Date**

<b>Recipient Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>	<b>Election (State-Date)</b>
JENKINS FOR CONGRESS	10/28/14	\$2,500.00	*P2014	WV-5/13/14
MOONEY FOR CONGRESS	11/2/14	\$1,200.00	*P2014	WV-5/13/14

\*Schedule B of your report discloses this contribution as designated to the 2009 Primary election; however, this candidate did not participate in a Primary election in 2009. Therefore, this contribution has been attributed to the next scheduled Federal election for this candidate, the 2014 Primary (11 CFR §110.2(b)(ii)).